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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,936	09/09/2003	Sunny E.L. Huang	7328	1601

7590 09/26/2006
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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,936

Applicant(s)

HUANG, SUNNY E.L.

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-10, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The rejection of claims 2 and 5 under 35 U.S.C. 112, second paragraph, has been overcome by the amendment filed June 16, 2006. The rejection is withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Norman (4,825,892). Norman discloses a collapsible container capable of being used for storage (Figures 17, 18) with a continuous one piece framework (50, Figure 1, column 7, lines 35-45) that can be erected to form the sides and base of the container in combination with the fabric walls and base or flattened into a non-use position (Figures 5-8). A piece of fabric material is applied over select surfaces of the framework.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ziglar (5,964,533). Ziglar discloses a collapsible container capable of being used for storage (Figure 26F) with a continuous one piece framework (column 12, lines 47-56 and column 20, lines 14-16) that can be erected to form the sides and base of the container in combination with the fabric walls and base or flattened into a non-use position. A piece of fabric material is applied over select surfaces of the framework (column 10, lines 26-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman in view of Shinner et al (6,325,086).

6. Regarding claim 3, Norman discloses the invention except for the framework formed of carbon or other resilient composite material. Shinner et al discloses a similar container with framework made from a resilient composite material (column 13, lines 6-9 and lines 15-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a resilient composite material as disclosed by Shinner et al in the framework of the container disclosed by Norman since it is known in the art to use resilient composite materials for framework in similar containers.

7. Regarding claim 4, Norman discloses the fabric is formed of cloth or other covering material (column 4, lines 56-63).

8. Regarding claim 5, Norman discloses the container is capable of forming into a triangular laminar structure (Figure 6).

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziglar in view of Shinner et al (6,325,086).

10. Regarding claim 3, Ziglar discloses the invention except for the framework formed of carbon or other resilient composite material. Shinner et al discloses a container with framework made from a resilient composite material (column 13, lines 6-9 and lines 15-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a resilient composite material as disclosed by Shinner et al in the framework of the container disclosed by Ziglar since it is known in the art to use resilient composite materials for framework in collapsible containers.

11. Regarding claim 4, Ziglar discloses the fabric is formed of cloth or other covering material (column 10, lines 26-35).

12. Regarding claim 5, Ziglar discloses the container is collapsible and capable of being collapsed and coiled (column 16, lines 3-15). Such a framework would also be capable of forming into a triangular laminar structure.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman in view of Zheng (5,975,101). Norman discloses the invention except for a cowling formed from the fabric material to close the upper edge for the framework. Zheng discloses a collapsible framework with fabric material and further discloses a cowling formed from the fabric material to close the upper edge for the framework (Figure 2, column 5, lines 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a cowling formed from

the fabric material to close the upper edge for the framework as disclosed by Zheng in the container disclosed by Norman to eliminate the need for an extra sleeve component and time and labor to attach it to the container.

Response to Arguments

14. Applicant's arguments with respect to claims 1-5 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-

Art Unit: 3727

4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

hag